

**Washington State Human Rights Commission  
MEETING OF  
May 20, 2005**

**Courtyard Marriott Hotel  
Spokane, WA**

**MINUTES**

**ATTENDANCE**

**Commissioners:** J. Reiko Callner, Commission Chair; Dallas Barnes; Deborah Sioux Cano-Lee; and Jerry Hebert. A quorum was present.

**Staff:** Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Sharon Ortiz, Operations Manager; Bruce Redding, Equal Opportunity Compliance Specialist; and Traci Friedl, Assistant Attorney General.

**OPENING AND WELCOME**

Commissioner Callner called the meeting to order at 9:05 a.m. She thanked Operations Manager Sharon Ortiz for coordinating the public forum the night before.

**APPROVAL OF MINUTES**

The Commissioners considered the minutes of the March 18, 2005 Commission meeting. Commissioner Cano-Lee made a motion to approve the minutes. Commissioner Hebert seconded the motion. MOTION CARRIED.

The Commissioners next considered the April 29, 2005 minutes. Commissioner Callner asked that Tanya Calahan add additional language to the minutes under the Executive Director's Report. Specifically, under the budget discussion, add the language regarding Commissioner Hebert's substantive contribution to the effort to convince the Senate to not take funding away from the agency.

Commissioner Casson requested that Ms. Calahan note his "no" vote in the record under the discussion about the Governor's Committee on Disability Issues and Employment's funding request on page four.

Commissioner Cano-Lee noted that she didn't go to a "treaty" bill signing but to a signing of three bills "related to Native American issues."

Commissioner Hebert expressed his thanks to Commission staff for handling his orientation.

With the noted corrections made, Commissioner Cano-Lee made a motion to approve the minutes. Commissioner Hebert seconded the motion. MOTION CARRIED.

### **ACTION ITEMS**

Tanya Calahan reviewed the action items from the April 29, 2005 Commission meeting.

### **CASE CLOSURES**

Commissioner Callner spoke about the protocol for getting case questions to staff prior to the Commission meeting so unnecessary meeting time is not expended on the questions. The Commissioners then discussed several cases before them with closure recommendations. Commissioner Barnes pointed out that it is not always possible to get questions in ahead of time.

Sharon Ortiz explained what a fact finding conference is. Specifically, it's a process early on in the investigation that brings all parties to the table for purpose of settlement negotiations. Mr. Brenman is working with Investigator Dean Hirst on fact finding conference training. Mr. Hirst will come up with a curriculum and do a presentation to staff as part of the investigator training.

Commissioner Hebert asked about Lohdefinck v. the WA State Department of Transportation case. Marc Brenman explained why the complainant was not a party to the settlement agreement. The complainant was advised that she could seek private remedy. Commissioner Hebert commented about how the Commission did not satisfy the needs of the complainant.

There was extensive discussion about the case and what the complainant's options are. The handling of the case was not negative in Mr. Brenman's viewpoint. The agency reached an agreement directly with the respondent to change their practices regarding service animals at rest areas around the state.

Commissioner Callner reiterated the need for staff to provide more detailed information regarding cases that are settled. Staff should explain more about cases in the closure memorandums.

*(Audio tape one – side two)*

Commissioner Cano-Lee made a motion to approve the current month's case closures. Commissioner Barnes seconded the motion. MOTION CARRIED.

Marc Brenman commented about the Rodosevich v. Golf Associates no reasonable cause finding. Staff recommended that the Commissioners send a notice to the respondent under the Technical Assistance Advisory Policy regarding their practices. By consensus, the Commissioners agreed to send a letter to the respondent. Mr. Brenman will draft the letter and circulate it to Chairperson Callner and Assistant Attorney General Traci Friedl.

### **EXECUTIVE DIRECTOR'S REPORT**

Mr. Brenman highlighted his monthly Executive Director's Report.

He asked Operations Manager Sharon Ortiz to speak about the condition of the Spokane office space. The current office building is not accessible, dangerous, and old, with bad wiring. The current fire escape for the building is inoperable. The proposed new office space is accessible, modern, technologically compatible, has plenty of parking, and a large meeting room in the building that could be used for Commission meetings.

There was extensive discussion about the cost of the proposed Spokane space. Staff did comparison shopping in the area and looked at other potential locations in conjunction with the WA State Department of General Administration. There are urgent issues with the current office space that must be resolved.

Commissioner Barnes asked where the money is coming from for this new space and whether other alternatives been explored. The agency has been traditionally under spent in Attorney General money and salaries and benefits. The agency will ask for additional money in the 2005-07 budget and also ask for a budget supplemental for the increased cost.

Marc Brenman recommends that the Commissioners concur with procuring the new proposed office space for Spokane. Commissioner Barnes asked that the furniture be upgraded appropriately as part of the consensus. The Commissioners decided by consensus that staff should procure the space. Operations Manager Reneé Knight will coordinate this by July 1, 2005.

### **BUDGET**

Marc Brenman commented about the EEOC contract. He anticipates a shortfall. The last contract amount was a result of a downward modification of \$46,000.

Commissioner Hebert spoke about the potential for Commissioners to close cases in light of case deadlines and contract shortfalls.

Traci Friedl will look into whether or not Commissioners can do case investigations and report her findings at the next Commission meeting.

### **LEADERSHIP DEVELOPMENT ASSESSMENT RECOMMENDATIONS**

Commissioner Callner highlighted the recommendation from Consultant Dee Endelman of Agreement Dynamics Inc. Commissioner Callner made a motion to accept the recommendations as outlined by Ms. Endelman. Commissioner Hebert seconded the motion. Discussion ensued. Commissioner Barnes voted no. MOTION CARRIED.

### **RECONSIDERATIONS**

**Barry Nichols v. Robert Johnston.** Marley Eiksted of the Northwest Fair Housing Alliance appeared on behalf of complainant. Respondent did not participate. Bruce Redding provided items from the case file to the Commissioners for reference.

*(Audio tape two – side two)*

There was extensive discussion about this case and whether the Commissioners should grant the request for reconsideration. Commissioner Hebert made a motion to deny complainant's request for reconsideration. Commissioner Barnes seconded the motion. Discussion ensued about whether or not what respondent did was reasonable. After discussion, three Commissioners opposed the motion to deny the petition for reconsideration so the motion to deny ***failed***. As a result, the Commissioners ***granted*** reconsideration so that settlement negotiations between complainant and respondent can continue.

*(Audio tape three – side one)*

**Shaudra Howard v. WA State Dept. of Revenue.** Neither party participated. Commissioner Lee made a motion to grant reconsideration. Commissioner Hebert seconded the motion. MOTION CARRIED.

**Richard Einhorn v. WA State Department of Transportation.** Bruce Redding provided a summary of the case. He reviewed the file in greater detail and subsequently recommended that the Commissioners deny the petition for reconsideration. Commissioner Hebert made a motion to deny the petition. Commissioner Cano-Lee seconded the motion. MOTION CARRIED.

### **UNFINISHED BUSINESS**

The Commissioners discussed the student roundtable video provided by Dennis Lane in Bellingham. Commissioner Callner asked for Commissioner feedback to share with Mr. Lane. Commissioner Cano-Lee noted that there are a lot of students of color in the video portrayed as "goofing off" in the opening credits of the video. Also, there weren't any students of color participating in the roundtable discussions. Commissioner Cano-Lee asked that Commissioner Callner pass those comments on to Mr. Lane. Commissioner Callner will pass comments on to Dennis Lane.

**Commissioner Activities:** Commissioner Barnes attended the African American Academic Society banquet in the Tri Cities.

Commissioner Callner is working with Marc Brenman on the Washington State University Task Force. She commented about the status of their work. She spoke about an event that will feature Rita Bender. Commissioner Callner will also work with Thurgood Marshall Middle School on their diversity curriculum.

Commissioner Hebert spoke about the Shoreline Hearings. He visited the Mayor's advisory council in Everett, and will participate in the Association of Washington Cities Diversity Awards.

Commissioner Hebert spoke about the Makah meeting and the whaling history and the controversy surrounding it. He and Commissioner Cano-Lee will chair a committee on this issue to come up with a strategy to address it. Animal rights groups were involved with protesting against the Makah's whaling.

*(Audio tape three – side two)*

Their proposal is to make a study to determine what action to take. It would involve individuals inside and outside the organization. The Makah have reached out to the government which is not a common thing. Mr. Brenman expressed that the Governor's Office and the Office of Indian Affairs should be involved.

Traci Friedl spoke about the view of impartiality under the State Law Against Discrimination. She cautioned that the Commission should be objective and impartial without involving itself in advocacy. There's a fine line so the Commissioners should exercise caution.

She also cautioned about the provisions in the Open Public Meetings Act (OPMA) and the fact that a lack of a quorum doesn't mean that OPMA violations aren't possible. Commissioner Hebert noted that the purpose of this effort would be to bring dialogue to the community; specifically a Commission sponsored event that would bring opposing parties to the table for a discussion.

### **UTILIZATION OF STAFF POSITIONS**

The Commissioners discussed the need of a Deputy Director. Commissioner Callner proposed that Marc Brenman draft a job description for the Deputy Director. The Commissioners reached consensus that Mr. Brenman will draft a preliminary description for the deputy director and provide it to the Commissioners.

### **RELIGIOUS EXEMPTIONS**

Traci Friedl spoke about the MacDonald v. Grace Church case. There is an amicus brief on the matter from 1983. The Equal Employment Opportunity Commission does not have jurisdiction as a federal agency because the Human Rights Commission does not have jurisdiction as a Fair Employment Practices Agency (FEPA).

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 4:20 p.m.

Respectfully submitted,

Tanya Y. Calahan  
Executive Assistant to the Commissioners